

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PRISCILLA A. ELLIS-ERKKILA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	CIVIL NO. W-20-CV-01039-ADA-DTG
CITIBANK, J.P. MORGAN CHASE,	§	
REGIONS BANK, UNITED STATES OF	§	
AMERICA FDIC,	§	
	§	
Defendants.	§	

**ORDER TO SHOW CAUSE CONCERNING DISMISSAL
FOR FAILURE TO PROSECUTE**

The Court **ORDERS** Priscilla A. Ellis-Erkkila (“Plaintiff”) to show cause why Defendant “United States of America FDIC” should not be dismissed from this case for Plaintiff’s failure to prosecute. Plaintiff did not include this Defendant on either of her Requests for Summons (ECF No. 34 and 46). It was Plaintiff’s responsibility to inform the Clerk’s Office of each Defendant that was to be served. *See* ECF Nos. 29 and 36 (Clerk’s office letter to Plaintiff regarding service).

Furthermore, absent a waiver, a suit cannot be brought against the F.D.I.C because it is barred by sovereign immunity. *See F.D.I.C. v. Meyer*, 510 U.S. 471, 475 (1994) (“Absent a waiver, sovereign immunity shields the Federal Government and its agencies from suit.”). Nowhere in her pleadings has Plaintiff alleged that any waiver has occurred.

I. CONCLUSION

For the foregoing reasons, the Court **ORDERS** Plaintiff to show cause within fourteen (14) days why Defendant “United States of America FDIC” should not be dismissed, otherwise it will be recommended to be dismissed from the case with prejudice.

SIGNED this 6th day of December, 2023.

A handwritten signature in black ink, appearing to read "Derek T. Gilliland", written over a horizontal line.

DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE